



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed August 9, 2022

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

)  
) Chapter 11  
)  
) Case No. 19-34054-sgj11  
)  
)  
)

**ORDER APPROVING  
SECOND AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER  
CONCERNING PROOF OF CLAIM NO. 146 FILED BY HCRE PARTNERS, LLC**

Having considered the *Second Amended Stipulation and Proposed Scheduling Order Concerning Proof of Claim No. 146 Filed by HCRE Partners, LLC* [Dkt. No. 3434] (the “Second Amended Stipulation”),<sup>2</sup> a copy of which is attached hereto as **Exhibit A**, filed by Highland Capital Management, L.P. (“Highland” or the “Reorganized Debtor”) and NexPoint Real Estate

<sup>1</sup> The Reorganized Debtor’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Second Amended Stipulation.

Partners, LLC f/k/a HCRE Partners, LLC (“NREP”, and together with Highland, the “Parties”),

**IT IS HEREBY ORDERED THAT:**

1. The Second Amended Stipulation is **APPROVED**.
2. The Second Amended Stipulation shall become effective immediately upon entry of this Order.
3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of the Second Amended Stipulation and this Order.

###End of Order###

**EXHIBIT A**

PACHULSKI STANG ZIEHL & JONES LLP  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re:</b>  <b>HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup></b>  <b>Reorganized Debtor.</b>	<b>§ § Chapter 11 § § Case No. 19-34054-SGJ-11 § §</b>
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**SECOND AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER  
CONCERNING PROOF OF CLAIM NO. 146  
FILED BY HCRE PARTNERS, LLC**

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This second amended stipulation (the “Second Amendment”) is made and entered into by and between Highland Capital Management, L.P., the reorganized debtor in the above-referenced bankruptcy case (“Highland” or the “Reorganized Debtor”), and NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“NREP”) (together, the “Parties”), by and through their respective undersigned counsel.

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<sup>1</sup> The last four digits of the Reorganized Debtor’s taxpayer identification number are 8357. The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**RECITALS**

WHEREAS on June 9, 2022, the Parties entered the *Amended Stipulation and Proposed Scheduling Order Concerning Proof of Claim No. 146 Filed By HCRE Partners, LLC* [Dkt No. 3356] (the “Amended Stipulation”), which contained certain dates and deadlines, including an August 5, 2022 deadline for the service of expert disclosures pursuant to Federal Rule of Civil Procedure 26 (the “Expert Deadline”); and

WHEREAS, on June 17, 2022, the Bankruptcy Court signed an Order approving the Amended Stipulation and such Order was filed on June 21, 2022 at Docket No. 3368; and

WHEREAS the Parties have agreed to modify the Amended Stipulation as set forth below;

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Second Amendment by the Court, it shall be SO ORDERED:

1. The Parties agree to modify and supplement the Amended Stipulation as follows:

<b>Proposed Supplemental Deadlines</b>	
1. Deposition of NREP’s expert, Steven Pully	August 19, 2022
2. Highland’s Motion to Strike	August 26, 2022
3. NREP’s Response to Motion to Strike	September 2, 2022
4. Highland’s Reply in Support of Motion to Strike	September 9, 2022
5. Argument on Highland’s Motion to Strike	To be set at earliest setting available

2. If the Motion to Strike is granted, then within fourteen (14) calendar days of the entry of the Order granting the Motion to Strike, Highland shall either (a) file its Motion for Summary Judgment, or (b) if Highland declines to file a Motion for Summary Judgment, confer with NREP’s counsel and the Court to fix new dates for the events described in items 8, 9, and 10

of the Amended Stipulation. NREP agrees not to seek a stay pending appeal of any order granting the Motion to Strike.

3. If the Motion to Strike is denied, then within twenty-one (21) calendar days of the entry of the Order denying the Motion to Strike, Highland shall either (a) serve a rebuttal expert report and make its rebuttal expert available for deposition within seven (7) calendar days thereafter, or (b) if Highland declines to file serve a rebuttal expert report, confer with NREP's counsel and the Court to fix new dates for the Events described in items 8, 9, and 10 of the Amended Stipulation. Highland agrees not to seek a stay pending appeal of any order denying the Motion to Strike.

4. If approved by the Court, this Second Amendment shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

Dated: August 5, 2022

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–and–

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